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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,246

Applicant(s)

SAINIO, KARI

Examiner

SALMAN AHMED

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 7-14, 16, 19-28, 30 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7-14, 16, 19-28, 30 and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1, 2, 4, 7-14, 16, 19-28, 30 and 33-38 are pending.

Claims 3, 5, 6, 15, 17, 18, 29, 31, and 32 are cancelled.

Claims 1, 2, 4, 7-14, 16, 19-28, 30 and 33-38 are rejected.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 13, 14, 16, 19-24 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 13 and 26 added a new limitation "computer-readable medium" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7-14, 19-24, 28 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer (US2005/0041625) in view of Gormish (US PAT PUB 2004/0205199).

Regarding claim 1, Brewer discloses Image method and apparatus for providing media communication setup strategy in a communication network (see paragraph 5) comprising: establishing a communication session between a sending device and one or more receiving devices (see paragraph 5 receiving a request from an originator for media communication to at least one target and figure 2); opening a common channel for transmission by said sending device of a notification of availability of image data (see paragraph 25 signal channel and paragraph 26); and opening one or more data channels (see paragraph 25 media traffic channel and paragraphs 52 and 67) for transmission of at least a portion of said image data to said receiving devices (see paragraph 75), each data channel being dedicated to one of said receiving devices (see paragraph 44 the originator who wishes to initiate the communication session for sending media may select one or more-target users therefore a communication session can be dedicated to one target users).

Brewer does not explicitly teach the establishing of a communication session includes indicating use of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP).

Gormish in the same field of endeavor teaches the most common method of initiating a JPIP transport (i.e. establishing of a communication session) of a sub-image is likely to be some other protocol like HTTP delivery of web pages. It may also be useful to pair JPIP with a discovery protocol such as JINI, Rendezvous, or Gnutella. The

peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types (JPP-stream and JPT-stream) as a type of resource it was identifying (i.e. indicating of use of peer-to-peer protocol to exchange image data in JPEG2000). This would allow clients to find pictures that are available from "nearby" servers (paragraph 0168).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Brewer's system/method the steps of the establishing of a communication session includes indicating use of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP) as suggested by Gormish. The motivation is that (as suggested by Gormish, paragraph 0168), the peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types as a type of resource it was identifying; thus this would allow clients to find pictures that are available from "nearby" servers. Further motivation is that JPEG 2000 standard defines a protocol called JPIP that takes full advantage of JPEG 2000's scalability properties; by means of additional signalling JPIP can deliver pieces of a JPEG 2000 image in essentially arbitrary order, in response to real-time application requests; takes advantage of JPEG 2000's resolution hierarchy to minimise the redundant retransmission of data and to circumvent the need for storing multiple versions of an image at different resolutions; thus makes image transfer process efficient. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art.

Regarding claims 2, 14 and 28, Brewer teaches the step of establishing a communication session includes establishing a session using Session Initiation Protocol (SIP) (see paragraph 20 SIP).

Regarding claims 10, 22 and 36, Brewer teaches further comprising: transmitting image data (see paragraph 23 image) to each of receiving devices in accordance with parameters specified by each receiving device (see paragraph 35 the targets have a valid registration).

Regarding claims 11, 23 and 37, Brewer teaches the sending device includes an image data server (see paragraph 23 image and paragraph 35 originator permission to deliver media).

Regarding claims 12, 24 and 38, Brewer teaches at least one of sending device and said receiving devices is a wireless device (see paragraph 5 wireless communication).

Regarding claim 13, Brewer teaches a computer program product embodied on a computer readable medium, comprising computer code configured (see paragraph 79 programmable logic device) to establishing a communication session between a sending device and one or more receiving devices (see paragraph 5 receiving a request from an originator for media communication to at least one target and figure 2); opening a common channel for transmission by sending device of a notification of availability of image data (see paragraph 25 signal channel and paragraph 26); and opening one or more data channels for transmission of at least a portion of image data to said receiving devices (see paragraph 25 media traffic channel), each data channel being dedicated to one of receiving devices (see paragraph 44 the originator who

wishes to initiate the communication session for sending media may select one or more target users therefore a communication session can be dedicated to one target users).

Brewer does not explicitly teach the establishing of a communication session includes indicating use of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP).

Gormish in the same field of endeavor teaches the most common method of initiating a JPIP transport (i.e. establishing of a communication session) of a sub-image is likely to be some other protocol like HTTP delivery of web pages. It may also be useful to pair JPIP with a discovery protocol such as JINI, Rendezvous, or Gnutella. The peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types (JPP-stream and JPT-stream) as a type of resource it was identifying (i.e. indicating of use of peer-to-peer protocol to exchange image data in JPEG2000). This would allow clients to find pictures that are available from "nearby" servers (paragraph 0168).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Brewer's system/method the steps of the establishing of a communication session includes indicating use of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP) as suggested by Gormish. The motivation is that (as suggested by Gormish, paragraph 0168), the peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types as a type of resource it was identifying; thus this would allow clients to find pictures that are available from "nearby" servers. Further motivation is that JPEG 2000 standard defines a protocol called JPIP that takes full advantage of JPEG 2000's scalability properties; by means of additional signaling JPIP can deliver pieces of a JPEG 2000 image in

essentially arbitrary order, in response to real-time application requests; takes advantage of JPEG 2000's resolution hierarchy to minimize the redundant retransmission of data and to circumvent the need for storing multiple versions of an image at different resolutions; thus makes image transfer process efficient. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art.

Regarding claim 27, Brewer teaches system for transferring image data, composing: a sending device adapted to establishing a communication session with one or more receiving devices (see paragraph 5 receiving a request from an originator for media communication to at least one target and figure 2); and an image data server (see paragraph 23 image and figure 2 group communication server) adapted to respond to requests for image data from said one or more receiving devices (see paragraph 75 and figure 7 ref730 sends a "media grant" message); wherein at least one of sending device and image data server is adapted to open one or more data channels (see paragraph 52 and 67) for transmission of image data (see paragraph 23 image) to receiving devices, each data channel being dedicated to one of receiving devices (see paragraph 44 the originator who wishes to initiate the communication session for sending media may select one or more target users therefore a communication session can be dedicated to one target users).

Brewer does not explicitly teach the establishing of a communication session includes indicating use of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP).

Gormish in the same field of endeavor teaches the most common method of initiating a JPIP transport (i.e. establishing of a communication session) of a sub-image is likely to be some other protocol like HTTP delivery of web pages. It may also be useful to pair JPIP with a discovery protocol such as JINI, Rendezvous, or Gnutella. The peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types (JPP-stream and JPT-stream) as a type of resource it was identifying (i.e. indicating of use of peer-to-peer protocol to exchange image data in JPEG2000). This would allow clients to find pictures that are available from "nearby" servers (paragraph 0168).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Brewer's system/method the steps of the establishing of a communication session includes indicating use of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP) as suggested by Gormish. The motivation is that (as suggested by Gormish, paragraph 0168), the peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types as a type of resource it was identifying; thus this would allow clients to find pictures that are available from "nearby" servers. Further motivation is that JPEG 2000 standard defines a protocol called JPIP that takes full advantage of JPEG 2000's scalability properties; by means of additional signaling JPIP can deliver pieces of a JPEG 2000 image in essentially arbitrary order, in response to real-time application requests; takes advantage of JPEG 2000's resolution hierarchy to minimize the redundant

retransmission of data and to circumvent the need for storing multiple versions of an image at different resolutions; thus makes image transfer process efficient. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art.

Regarding claims 7, 19 and 33, Brewer teaches the traffic channels of the target CDs are up, and at least one target has accepted to receive media from the originator (see Brewer paragraphs 52 and 67), but does not explicitly disclose a dedicated data channel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include dedicated channel, because dedicated channels can transfer data more efficiently without interruptions from other devices competing for the same channel; thus making the data transfer process faster.

Regarding claims 8, 20 and 34, Brewer teaches the request from each of the receiving devices includes specification of parameters relating to image data (see paragraph 23 image) to be transferred to receiving device (see paragraph 35 the targets have a valid registration).

Regarding claims 9, 21 and 35, Brewer teaches further comprising: transmitting image data (see paragraph 23 image) to each of said receiving devices in accordance with parameters specified by each receiving device (see paragraph 35 originator permission to deliver media).

In regards to claim 25, Brewer teaches, a method of transferring image data (see paragraph 5), comprising: establishing an SIP session between a sending device and at

least one receiving device (see paragraph 20 and 25 SIP); and initiating an image transfer session using channels within SIP session (see paragraphs 0020-0025).

Brewer does not explicitly teach the establishing of a communication session includes using of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP).

Gormish in the same field of endeavor teaches the most common method of initiating a JPIP transport (i.e. establishing of a communication session) of a sub-image is likely to be some other protocol like HTTP delivery of web pages. It may also be useful to pair JPIP with a discovery protocol such as JINI, Rendezvous, or Gnutella. The peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types (JPP-stream and JPT-stream) as a type of resource it was identifying (i.e. indicating of use of peer-to-peer protocol to exchange image data in JPEG2000). This would allow clients to find pictures that are available from "nearby" servers (paragraph 0168).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Brewer's system/method the steps of the establishing of a communication session includes using of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP) as suggested by Gormish. The motivation is that (as suggested by Gormish, paragraph 0168), the peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types as a type of resource it was identifying; thus this would allow clients to find pictures that are available from "nearby" servers. Further motivation is that JPEG 2000 standard defines a protocol called JPIP that takes full advantage of JPEG 2000's scalability properties; by means of additional signaling JPIP can deliver pieces of a JPEG 2000 image in

essentially arbitrary order, in response to real-time application requests; takes advantage of JPEG 2000's resolution hierarchy to minimize the redundant retransmission of data and to circumvent the need for storing multiple versions of an image at different resolutions; thus makes image transfer process efficient. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art.

In regards to claim 26, Brewer teaches, a computer program product, embodied on a computer-readable medium comprising: computer code configured to (see paragraph 79 programmable logic device): establishing an SIP session between a sending device and at least one receiving device (see paragraph 20 and 25 SIP); and initiating an image transfer session using channels within SIP session (see paragraphs 0020-0025).

Brewer does not explicitly teach the establishing of a communication session includes using of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP).

Gormish in the same field of endeavor teaches the most common method of initiating a JPIP transport (i.e. establishing of a communication session) of a sub-image is likely to be some other protocol like HTTP delivery of web pages. It may also be useful to pair JPIP with a discovery protocol such as JINI, Rendezvous, or Gnutella. The peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types (JPP-stream and JPT-stream) as a type of resource it was identifying (i.e. indicating of

use of peer-to-peer protocol to exchange image data in JPEG2000). This would allow clients to find pictures that are available from "nearby" servers (paragraph 0168).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Brewer's system/method the steps of the establishing of a communication session includes using of peer-to-peer protocol to exchange image data in JPEG2000 Interactive Protocol (JPIP) as suggested by Gormish. The motivation is that (as suggested by Gormish, paragraph 0168), the peer-to-peer protocol would need to recognize the JPIP server or the JPIP data types as a type of resource it was identifying; thus this would allow clients to find pictures that are available from "nearby" servers. Further motivation is that JPEG 2000 standard defines a protocol called JPIP that takes full advantage of JPEG 2000's scalability properties; by means of additional signaling JPIP can deliver pieces of a JPEG 2000 image in essentially arbitrary order, in response to real-time application requests; takes advantage of JPEG 2000's resolution hierarchy to minimize the redundant retransmission of data and to circumvent the need for storing multiple versions of an image at different resolutions; thus makes image transfer process efficient. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art.

3. Claims 4, 16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer and Gormish as applied to claims 1, 13 and 27 above and further in view of Dinsing et al. (US PAT PUB 2007/0243859, hereinafter Dinsing).

In regards to claims 4, 16 and 30, Brewer and Gormish teach all the limitations of claims 1, 13 and 27 respectively as well as common channels and data channels as described above.

Brewer and Gormish do not explicitly teach channels being Blocks Extensible Exchange Protocol (BEEP).

Dinsing in the same field of endeavor teaches channels being Blocks Extensible Exchange Protocol (BEEP) (paragraph 0020, 0037-0039, 0043).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Brewer and Gormish's system/method the steps of channels being Blocks Extensible Exchange Protocol (BEEP) as suggested by Dinsing. The motivation is that (as suggested by Dinsing, 0019) the BEEP protocol applied by BEEP instance or BEEP layer provides the advantage of setting up of persistent connections, i.e. connections that are maintained for a longer or predetermined time; pipelining of requests related to the application protocols, i.e. a sending of multiple requests in one TCP packet; and TCP connections that can be jointly used by different application protocol instances. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art.

Response to Arguments

4. Applicant's arguments, see pages 8-10 of the Remarks section, filed 6/18/2008, with respect to the rejections of the claims have been fully considered. Applicant's

amendment necessities a new ground of rejections presented in this office action. As such Any further response to Applicant's remark is moot.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **SALMAN AHMED** whose telephone number is (571)272-8307. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Edan Orgad** can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A./

Examiner, Art Unit 2619

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2619